

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION



In re:) Case No. 07-19167
)
THOMAS J. ROSE, JR.,) Chapter 7
)
Debtor.) Judge Pat E. Morgenstern-Clarren
)
) **MEMORANDUM OF OPINION**
) **AND ORDER**¹

The court found Crescent Auto Sales in contempt of an order granting the debtor Thomas Rose's motion to redeem a 1998 Ford Explorer.² The court determined that the sanction was to take the form of an award of damages for the debtor's lost wages in the amount of \$41.25 and his attorney fees. The court determined that as a further sanction the \$580.26 redemption amount which the debtor was required to pay under the redemption order was to be offset against the legal fees, rather than paid to Crescent Auto. This memorandum resolves the issue of the amount of the sanction.

As instructed, debtor's counsel Charles Van Ness filed a detailed fee statement. The statement declares that he expended 6.6 hours at the hourly rate of \$200.00 from May 10, 2010 to September 24, 2010 (\$1,320.00) in an attempt to obtain Crescent Auto's compliance with the redemption order.³ Crescent Auto did not object to these fees, and the time to do so has expired. The services are clearly attributable to the contempt and properly awarded as a sanction. The fee

¹ This written opinion is entered only to decide the issues presented in this case and is not intended for commercial publication in an official reporter, whether print or electronic.

² Docket 109.

³ Docket 111.

statement, however, includes other time entries for services performed on January 28, 2010, February 26, 2010, and March 19, 2010, which relate to the debtor's prosecution of his motion to redeem and are not a proper component of the contempt sanction. Fees in the amount of \$1,320.00 will, therefore, be awarded.

Based on the above, the court finds that the debtor's lost wages of \$41.25 and his attorney fees of \$1,320.00 are awarded as a sanction. The \$580.26 redemption amount is to be applied as an offset against the fee amount.

IT IS SO ORDERED.



Pat E. Morgenstern-Clarren
United States Bankruptcy Judge

To be served by the clerk's office by regular U.S. mail on:
Crescent Auto Sales, 8000 Harvard Avenue, Cleveland, OH 44105
Nicholas Gaglione, Statutory Agent, 8000 Harvard Avenue, Cleveland, OH 44105